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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,116	02/20/2002	Quiqun Kevin Qi	RR1737/2345P	6766

7590 01/29/2003

SAWYER LAW GROUP LLP
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EXAMINER

PHAM, LY D

ART UNIT	PAPER NUMBER
2818	

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 – 9, drawn to a magnetic memory cell, classified in class 365, subclass 173.
 - II. Claims 10 – 18, drawn to a method for utilizing a magnetic memory, classified in class 365, subclass 213.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, unless otherwise declared by the applicants, the Office asserts that the magnetic memory cell structure as claimed in claims 1 – 9 may be utilized not just with the method as claimed in claims 10 – 18; likewise, the method claimed could also be used for other magnetic memory cell embodiment(s).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Conclusion

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
4. A shortened statutory period for response to this action is set to expire 1 (one) month and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02(b)).

5. Any inquiry concerning this communication on earlier communications from the examiner should be directed to Ly Pham, whose telephone number is 703-305-4862. The examiner can normally be reached on Monday – Friday from 8:30am to 5:00pm, alternate Friday off. The examiner's supervisor, David Nelms, can be reached at 703-308-4910. The fax number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Ly Pham 
January 23, 2003



David Nelms
Supervisory Patent Examiner
Technology Center 2800